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LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT

## NOTIFICATION

No. LAW 11 LGN 75, Bangalore, dated 22nd May 1975

Ordered that the Karnataka (Determination of the Retirement Age of Certain Teachers) Ordinance, 1975 promulgated by the Governor of Karnataka in the Twenty-sixth Year of the Republic of India, be published as Karnataka Ordinance No. 2 of 1975 in the **Karnataka Gazette** for general information.

# KARNATAKA ORDINANCE No. 2 OF 1975

## THE KARNATAKA (DETERMINATION OF THE RETIREMENT AGE OF CERTAIN TEACHERS) ORDINANCE, 1975.

**(Promulgated by the Governor of Karnataka in the Twenty-sixth Year of the Republic of India and first published in the Karnataka Gazette, Extraordinary on the Twenty-second day of May, 1975).**

An Ordinance to determine the retirement age of certain teachers in the State.

Whereas in pursuance of the policy decision taken to reduce the retirement age of certain categories of Government servants from fifty-eight years to fifty-five years, Notification No. GSR 21 (FD 150 SRS 73), dated 30th January, 1974 was issued concerning the teachers of the erstwhile Mysore State, who immediately before 1st November, 1956 were governed by Note 4 below clause (c) of Article 294 of the Mysore Service Regulations;

Whereas retirements were effected in accordance with the said Notification;

Whereas in Writ Petition No. 525 of 1974 and connected writ petitions the High Court of Karnataka has held that in view of rule 95 of the Karnataka Civil Service Rules the said Notification did not have the intended effect of reducing the retirement age of such teachers;

Whereas it is necessary to make suitable provisions for the purpose;

Whereas the State Legislature is not in session and the Governor of Karnataka is satisfied that circumstances exist which render it necessary for him to take immediate action to provide for the reduced retirement age in respect of the said category of teachers;

**Whereas** the previous approval of the Central Government under the proviso to sub-section (7) of Section 115 of the States Reorganisation Act, 1956 (Central Act 37 of 1956) has been obtained as in letter No. 5/23/73 SR(S) dated the 21st January 1974 of the Government of India, Department of Personnel and Administrative Reforms (Cabinet Secretariat);

**Now, Therefore,** in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India the Governor of Karnataka is pleased to promulgate the following Ordinance, namely :—

**1. Short title and commencement.**—(1) This Ordinance may be called the Karnataka (Determination of the Retirement age of certain Teachers) Ordinance, 1975.

(2) It shall be deemed to have come into force on the 30th day of January, 1974.

**2. Retirement age.**—Notwithstanding anything in any judgment, decree or order of any Court, Tribunal or other authority,—

(1) on and from the date of commencement of this Ordinance (hereinafter referred to as the appointed day),—

(i) the date of compulsory retirement of every teacher of the erstwhile Mysore State allotted to the State of Karnataka who immediately before the 1st November 1956 was governed by Note 4 below clause (c) of Article 294 of the Mysore Service Regulations and who is in service on the appointed day, shall be the day on which he attains the age of fifty-five years;

(ii) the words and figures " subject to the provisions relating to protection of conditions of service prescribed by the Government of India in respect of persons allotted or deemed to be allotted to serve in connection with the affairs of the State of Karnataka under Section 115 of the States Re-organisation Act, 1956 " in clause (a) of rule 95 of the Karnataka Service Rules shall not apply in so far as such teachers are concerned.

(2) Accordingly every such teacher who,—

(i) has continued in service after the appointed day, even though he has attained the age of fifty-five years shall retire from service on the date on which he attains the age of fifty-eight years or on 1st March 1974, whichever is earlier;

(ii) attains the age of fifty-five years after the appointed day but on or before 1st March, 1974 shall retire on 1st March, 1974;

(iii) attains the age of fifty-five years after 1st March, 1974, shall retire at the end of the month in which he attains the age of fifty-five years.

(3) Notwithstanding anything to the contrary contained in the Karnataka Civil Services Rules, the entire earned leave not exceeding one hundred and twenty days to the credit of such teacher on the date of his retirement who retires within a period of six months from the appointed day shall be deemed to have been refused to him in public interest under Rule 110 of the Karnataka Civil Services Rules and he shall be permitted to avail it with effect from the date of his retirement:

Provided that in the case of such teacher who is governed by the rules applicable to him in his parent State the period of such leave, whether earned leave or privilege leave or furlough leave on average pay, shall be as permissible under such rules:

Provided further that nothing in this sub-section shall apply to a teacher who on the appointed day is on leave preparatory to retirement.

(4) Notwithstanding anything contained in this section, any such teacher, who by virtue of any order of any court or otherwise has continued in service even though he has attained the age of fifty-five years, and is working as such teacher on the date of promulgation of this Ordinance, shall

retire from service with effect from the after-noon of 31st May, 1975 and shall be deemed to have been granted extension of service from the appointed day till 31st May, 1975.

**3. Validation.**—Any action taken in respect of and any retirement of a teacher of the category referred to in Section 2 after the appointed day but before the promulgation of this Ordinance shall be deemed to be valid and shall be deemed to have been taken or effected in accordance with the provisions of this Ordinance as if the said provisions were in force at all relevant times.

MOHANLAL SUKHADIA,
Governor of Karnataka.

By Order and in the name of the Governor of Karnataka,

M. L. RAMASWAMI,
Draftsman and Ex-Officio,
Joint Secretary to Government,
Dept. of Law and Parliamentary Affairs.

by the Director of Printing, Stty. & Publications at the Govt. Press, Bhora